

January 23, 1998

SENATE BILL No. 278

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-3-6; IC 9-30-6.

Synopsis: Reporting requirement for drunk driving arrests. Requires law enforcement agencies to report certain information concerning drunk driving arrests to the bureau of motor vehicles (BMV). Requires the BMV to compile this information and annually report the information to the law enforcement agencies. Specifies the form for the information and summons in traffic cases.

Effective: July 1, 1998; January 1, 1999.

Alexa, Wyss, Waterman

January 8, 1998, read first time and referred to Committee on Public Policy.
January 22, 1998, reported favorably — Do Pass.

SB 278—LS 6142/DI 71+



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January 23, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 278

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-3-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 6. (a) In traffic
3 cases, the information and summons shall be in substantially the
4 following form:

5 In the _____ Court of _____ County
6 Cause No. _____ Docket No. _____
7 Page No. _____
8 State of Indiana
9 SS: _____ No. _____
10 County of _____

11 INFORMATION AND SUMMONS

12 The undersigned having probable cause to believe and being duly
13 sworn upon his oath says that:

14 On the ____ Day of ____, 19 __ at ____ M
15 Name _____
16 Last First Middle
17 Street _____

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1 City _____ State ____ Zip Code ____
 2 Race _ Sex _ Age ____ D.O.B. ____ HT ____ WT ____
 3 Oper. Lic. # ____ St. ____ Did Unlawfully
 4 Operate Veh. Color ____ Veh. Yr. ____ Veh. Make ____
 5 Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # ____
 6 Upon, (Location) _____
 7 _____
 8 A PUBLIC STREET OR HIGHWAY IN _____
 9 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
 10 _____
 11 _____
 12 CONTRARY TO THE FORM OF THE () STATE STATUTE ()
 13 LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 14 OFFICER'S SIGNATURE _____
 15 **OFFICER I.D. No.** _____ **Div. Dist.** _____
 16 **POLICE AGENCY** _____
 17 **AGENCY I.D. No.** _____
 18 Subscribed And Sworn to Before Me
 19 (Deputy Clerk) _____
 20 This _____ Day of _____, 19 ____
 21 COURT APPEARANCE
 22 I PROMISE TO APPEAR IN COURTROOM
 23 _____
 24 ADDRESS: _____
 25 ON ____ THE ____ DAY OF _____, 19 ____ AT ____ M. OR BE SUBJECT
 26 TO ARREST.
 27 SIGNATURE _____
 28 "YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"
 29 The information and summons shall consist of four (4) parts:
 30 (1) the original copy, printed on white paper, which shall be the
 31 abstract of court record for the ~~Indiana~~ bureau of motor vehicles;
 32 (2) the court copy, printed on white paper;
 33 (3) the police record, which shall be a copy of the information,
 34 printed on pink paper; and
 35 (4) the summons copy, printed on white stock.
 36 The reverse sides of the information and abstract of court record
 37 shall be substantially as follows, with such additions or deletions as are
 38 necessary to adapt the form to the court involved:
 39 RECEIPT # _____
 40 DATE _____
 41 COURT ACTION AND OTHER ORDERS
 42 BAIL \$ _____

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1 REARREST BOND \$ _____ DATE _____
 2 1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____
 3 2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____
 4 3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____
 5 Motions Date Ruling Date
 6 1. _____
 7 2. _____
 8 3. _____
 9 4. _____
 10 PLEA ☐ GUILTY
 11 ☐ NOT GUILTY
 12 FINDING ☐ GUILTY
 13 ☐ NOT GUILTY
 14 THE COURT THEREFORE, ENTERS
 15 THE FOLLOWING ORDER
 16 FINE \$ _____ AMOUNT SUSP. \$ _____
 17 (STATE) \$ _____
 18 COSTS
 19 (CITY) \$ _____
 20 _____ DAYS IN _____ DAYS SUSP. _____
 21 ☐ RECOMMENDED LICENSE SUSPENDED FOR _____
 22 ☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 23 PROBATION
 24 _____
 25 _____
 26 _____
 27 _____
 28 JUDGE: _____
 29 DATE: _____
 30 ATTORNEY FOR DEFENDANT _____
 31 ADDRESS _____ TELEPHONE _____
 32 WITNESSES
 33 _____
 34 _____
 35 The notice, the appearance, the plea of either guilty or not guilty,
 36 and the waiver shall be printed on the summons. The trimmed size of
 37 the paper and stock on which the form is printed shall be nominally
 38 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)
 39 inches.
 40 (b) In civil traffic cases, the complaint and summons shall be in
 41 substantially the following form:
 42 In the _____ Court of _____ County



Cause No. _____ Docket No. _____

Page No. _____

State of Indiana

SS: _____ No. _____

County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 19 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did Unlawfully

Operate Veh. Color ____ Veh. Yr. ____ Veh. Make ____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____

COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.

OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 19 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN _____

COURTROOM _____

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 19 ____

AT _____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the



- abstract of court record for the Indiana bureau of motor vehicles;
 (2) the court copy, printed on white paper;
 (3) the police record, which shall be a copy of the complaint,
 printed on pink paper; and
 (4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO ____ 4. CONTINUANCE TO ____

2. CONTINUANCE TO ____ 5. CONTINUANCE TO ____

3. CONTINUANCE TO ____ 6. CONTINUANCE TO ____

	Motions	Date	Ruling	Date
1.	____	____	____	____
2.	____	____	____	____
3.	____	____	____	____
4.	____	____	____	____

PLEA ☐ ADMIT

☐ DENY

☐ NOLO CONTENDERE

FINDING ☐ JUDGMENT FOR PLAINTIFF

☐ JUDGMENT FOR DEFENDANT

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ _____ AMOUNT SUSP. \$ _____

(STATE) \$ _____

COSTS

(CITY) \$ _____

☐ RECOMMENDED LICENSE SUSPENDED FOR ____

☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE

YEAR PROBATION

JUDGE: _____

DATE: _____

ATTORNEY FOR DEFENDANT _____



ADDRESS _____ TELEPHONE _____

WITNESSES

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(c) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

(d) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the officer's or authority's; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 2. IC 9-30-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 16. The bureau certificate must contain the following information and may be substantially in the following form:

**BUREAU OF MOTOR VEHICLES
CERTIFICATE**

Date of Arrest Time Driver's License No. License State
a.m.
/ / p.m.

Officer I.D. No. _____ **Law Enforcement Agency I.D. No.** _____

Name: (first) (M.I.) (last) Date of Birth
/ /

CURRENT Address (street, city, state, zip)

Court Code Cause Number Sex Weight Height Eyes Hair

The above motorist REFUSED alcohol test BUREAU USE ONLY

FAILED alcohol test 0.0%

Court Determination

It has been determined there was probable cause the defendant violated IC 9-30-5 this _____ day of _____, 19__ and that charges are pending herein.

_____ Court _____ County

Judge's Signature

SECTION 3. IC 9-30-6-19 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]: **Sec. 19. (a) For each arrest under IC 9-30-5, the bureau shall compile the following information concerning the arrest:**

- (1) The initial charge that was made by the arresting officer.**
- (2) The percentage by weight of alcohol in the arrested person's blood or breath.**
- (3) The identification number of the arresting law enforcement agency, as assigned by the bureau.**
- (4) The identification number of the arresting officer.**
- (5) The final disposition of the charge.**
- (6) The court in which the final disposition was issued.**

(b) The bureau shall compile the information received under this section by county and by law enforcement agency. The bureau shall annually distribute to each law enforcement agency a report that contains information concerning the number of arrests under IC 9-30-5 by each officer of the law enforcement agency.

(c) IC 9-14-3-2, IC 9-14-3-6, and IC 9-29-2-3 do not apply to information compiled under this section.

(d) The bureau shall annually compile a list of all law enforcement agencies in the state to carry out this section.

SECTION 4. [EFFECTIVE JULY 1, 1998] (a) Before January 1, 1999, each county sheriff shall submit to the bureau of motor vehicles a list of each law enforcement agency in the county.

(b) For purposes of compiling the information required under IC 9-30-6-19, as added by this act, the bureau of motor vehicles shall, before July 1, 1999, do the following:

- (1) Assign department identification numbers to each law enforcement agency identified under subsection (a).**
- (2) Instruct law enforcement officers in the proper manner of listing officer identification numbers on probable cause affidavits and bureau certificates submitted to the bureau of motor vehicles.**

(c) This SECTION expires July 1, 1999.



SENATE MOTION

Mr. President: I move that Senator Wyss be added as second author of Senate Bill 278.

ALEXA

SENATE MOTION

Mr. President: I move that Senator Waterman be added as coauthor of Senate Bill 278.

ALEXA

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill 278, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 278 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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